

S.3772

White Pine County Conservation, Recreation, and Development Act of 2006 (Introduced in Senate)

S 3772 IS

109th CONGRESS
2d Session
S. 3772

To establish wilderness areas, promote conservation, improve public land, and provide for high quality development in White Pine County, Nevada, and for other purposes.

IN THE SENATE OF THE UNITED STATES

August 1, 2006

Mr. ENSIGN (for himself and Mr. REID) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish wilderness areas, promote conservation, improve public land, and provide for high quality development in White Pine County, Nevada, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SEC. 2. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title- This Act may be cited as the 'White Pine County Conservation, Recreation, and Development Act of 2006'.

(b) Table of Contents- The table of contents for this Act is as follows:

- Sec. 1. Authorization of appropriations.
- Sec. 2. Short title; table of contents.
- Sec. 3. Definitions.

TITLE I--LAND DISPOSAL

Sec. 101. Conveyance of White Pine County, Nevada, land.
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TITLE II--WILDERNESS AREAS

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TITLE VI--TRANSFER OF LAND TO BE HELD IN TRUST FOR THE ELY SHOSHONE TRIBE.

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TITLE VII--EASTERN NEVADA LANDSCAPE RESTORATION PROJECT.

Sec. 701. Findings; purposes.
Sec. 702. Definitions.
Sec. 703. Restoration project.

TITLE VIII--AMENDMENTS TO THE SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT OF 1998

- Sec. 801. Findings.
- Sec. 802. Definitions.
- Sec. 803. Availability of special account.
- Sec. 804. Affordable housing.

TITLE IX--GREAT BASIN HERITAGE ROUTE

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- Sec. 902. Findings and purposes.
- Sec. 903. Definitions.
- Sec. 904. Great Basin National Heritage Route.
- Sec. 905. Memorandum of understanding.
- Sec. 906. Management Plan.
- Sec. 907. Authority and duties of local coordinating entity.
- Sec. 908. Duties and authorities of Federal agencies.
- Sec. 909. Land use regulation; applicability of Federal law.
- Sec. 910. Authorization of appropriations.
- Sec. 911. Termination of authority.

SEC. 3. DEFINITIONS.

In this Act:

- (1) COUNTY- The term `County' means White Pine County, Nevada.
- (2) SECRETARY- The term `Secretary' means--
 - (A) with respect to land in the National Forest System, the Secretary of Agriculture; and
 - (B) with respect to other Federal land, the Secretary of the Interior.
- (3) STATE- The term `State' means the State of Nevada.

TITLE I--LAND DISPOSAL

SEC. 101. CONVEYANCE OF WHITE PINE COUNTY, NEVADA, LAND.

- (a) In General- Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary, in cooperation with the County, in accordance with that Act, this title, and other applicable law and subject to valid existing rights, shall, at such time as the parcels of Federal land become available for disposal, conduct sales of the parcels of Federal land described in subsection (b) to qualified bidders.
- (b) Description of Land- The parcels of Federal land referred to in subsection (a) consist of not more than 45,000 acres of Bureau of Land Management land in the County that--

- (1) is not segregated or withdrawn on or after the date of enactment of this Act; and
- (2) is identified for disposal by the Bureau of Land Management through--
 - (A) the Ely Resource Management Plan; or
 - (B) a subsequent amendment to the management plan that is undertaken with full public involvement.
- (c) Availability- The map and any legal descriptions of the Federal land conveyed under this section shall be on file and available for public inspection in--
 - (1) the Office of the Director of the Bureau of Land Management;
 - (2) the Office of the Nevada State Director of the Bureau of Land Management; and
 - (3) the Ely Field Office of the Bureau of Land Management.
- (d) Joint Selection Required- The Secretary and the County shall jointly select which parcels of Federal land described in subsection (b) to offer for sale under subsection (a).
- (e) Compliance With Local Planning and Zoning Laws- Before a sale of Federal land under subsection (a), the County shall submit to the Secretary a certification that qualified bidders have agreed to comply with--
 - (1) County and city zoning ordinances; and
 - (2) any master plan for the area approved by the County.
- (f) Method of Sale; Consideration- The sale of Federal land under subsection (a) shall be--
 - (1) consistent with subsections (d) and (f) of section 203 of the Federal Land Management Policy Act of 1976 (43 U.S.C. 1713);
 - (2) unless otherwise determined by the Secretary, through a competitive bidding process; and
 - (3) for not less than fair market value.
- (g) Withdrawal-
 - (1) IN GENERAL- Subject to valid existing rights and except as provided in paragraph (2), the Federal land described in subsection (b) is withdrawn from--
 - (A) all forms of entry and appropriation under the public land laws and mining laws;
 - (B) location and patent under the mining laws; and
 - (C) operation of the mineral laws, geothermal leasing laws, and mineral material laws.
 - (2) EXCEPTION- Paragraph (1)(A) shall not apply to sales made consistent with this section or an election by the County or the State to obtain the land described in subsection (b) for public purposes under the Act of June 14, 1926 (commonly known as the `Recreation and Public Purposes Act') (43 U.S.C. 869 et seq.).
- (h) Deadline for Sale-
 - (1) IN GENERAL- Except as provided in paragraph (2), not later than 1 year after the date of enactment of this Act and annually thereafter until the Federal land described in subsection (b) is disposed of or the County

requests a postponement under paragraph (2), the Secretary shall offer for sale the Federal land described in subsection (b).

(2) POSTPONEMENT; EXCLUSION FROM SALE-

(A) REQUEST BY COUNTY FOR POSTPONEMENT OR EXCLUSION- At the request of the County, the Secretary shall postpone or exclude from the sale all or a portion of the land described in subsection (b).

(B) INDEFINITE POSTPONEMENT- Unless specifically requested by the County, a postponement under subparagraph (A) shall not be indefinite.

SEC. 102. DISPOSITION OF PROCEEDS.

(a) Disposition of Proceeds- Of the proceeds from the sale of Federal land described in section 101(b)--

- (1) 5 percent shall be paid directly to the State for use in the general education program of the State;
- (2) 10 percent shall be paid to the County for use for fire protection, law enforcement, public safety, housing, social services, transportation, and natural resource planning; and
- (3) the remainder shall be deposited in a special account in the Treasury of the United States, to be known as the 'White Pine County Special Account' (referred to in this title as the 'special account'), and shall be available without further appropriation to the Secretary until expended for-

(A) the reimbursement of costs incurred by the Nevada State office and the Ely Field Office of the Bureau of Land Management for preparing for the sale of Federal land described in section 101(b), including the costs of surveys and appraisals and compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713);

(B) the inventory, evaluation, protection, and management of unique archaeological resources (as defined in section 3 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb)) of the County;

(C) the reimbursement of costs incurred by the Department of the Interior for preparing and carrying out the transfers of land to be held in trust by the United States under section 601;

(D) processing public land use authorizations and rights-of-way relating to the development of land conveyed under section 101(a);

(E) conducting a study of routes for the Silver State Off-Highway Vehicle Trail as required by section 501(a);

(F) developing and implementing the Silver State Off-Highway Vehicle Trail management plan described in section 501(c);

(G) processing wilderness designations, including the costs of appropriate fencing, signage, public education, and enforcement for the wilderness areas designated;

(H) if the Secretary determines necessary, developing and implementing conservation plans for endangered or at risk species in the County; and

(I) carrying out a study to assess non-motorized recreation opportunities on Federal land in the County.

(b) Investment of Special Account- Any amounts deposited in the special account shall earn interest in an amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities, and may be expended in accordance with this section.

TITLE II--WILDERNESS AREAS

SEC. 201. SHORT TITLE.

This title may be cited as the `Pam White Wilderness Act of 2006`.

SEC. 202. FINDINGS.

Congress finds that--

(1) public land in the County contains unique and spectacular natural resources, including--

(A) priceless habitat for numerous species of plants and wildlife; and

(B) thousands of acres of land that remain in a natural state; and

(2) continued preservation of those areas would benefit the County and all of the United States by--

(A) ensuring the conservation of ecologically diverse habitat;

(B) protecting prehistoric cultural resources;

(C) conserving primitive recreational resources; and

(D) protecting air and water quality.

SEC. 203. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) Additions- The following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(1) MT. MORIAH WILDERNESS ADDITION- Certain Federal land managed by the Forest Service and the Bureau of Land Management, comprising approximately 11,193 acres, as generally depicted on the map entitled `Eastern White Pine County' and dated August 1, 2006, is incorporated in, and shall be managed as part of, the Mt. Moriah

Wilderness, as designated by section 2(13) of the Nevada Wilderness Protection Act of 1989 (16 U.S.C. 1132 note; Public Law 101-195).

(2) MOUNT GRAFTON WILDERNESS- Certain Federal land managed by the Bureau of Land Management, comprising approximately 66,918 acres, as generally depicted on the map entitled 'Southern White Pine County' and dated August 1, 2006, which shall be known as the 'Mount Grafton Wilderness'.

(3) SOUTH EGAN RANGE WILDERNESS- Certain Federal land managed by the Bureau of Land Management, comprising approximately 42,967 acres, as generally depicted on the map entitled 'Southern White Pine County' and dated August 1, 2006, which shall be known as the 'South Egan Range Wilderness'.

(4) EGAN RIDGELINE WILDERNESS- Certain Federal land managed by the Bureau of Land Management, comprising approximately 18,669 acres, as generally depicted on the map entitled 'Southern White Pine County' and dated August 1, 2006, which shall be known as the 'Egan Ridgeline Wilderness'.

(5) HIGHLAND RIDGE WILDERNESS- Certain Federal land managed by the Bureau of Land Management and the Forest Service, comprising approximately 70,098 acres, as generally depicted on the map entitled 'Southern White Pine County' and dated August 1, 2006, which shall be known as the 'Highland Ridge Wilderness'.

(6) GOVERNMENT PEAK WILDERNESS- Certain Federal land managed by the Bureau of Land Management, comprising approximately 6,313 acres, as generally depicted on the map entitled 'Eastern White Pine County' and dated August 1, 2006, which shall be known as the 'Government Peak Wilderness'.

(7) CURRANT MOUNTAIN WILDERNESS ADDITION- Certain Federal land managed by the Forest Service, comprising approximately 10,631 acres, as generally depicted on the map entitled 'Western White Pine County' and dated August 1, 2006, is incorporated in, and shall be managed as part of, the 'Currant Mountain Wilderness', as designated by section 2(4) of the Nevada Wilderness Protection Act of 1989 (16 U.S.C. 1132 note; Public Law 101-195).

(8) RED MOUNTAIN WILDERNESS- Certain Federal land managed by the Forest Service, comprising approximately 20,490 acres, as generally depicted on the map entitled 'Western White Pine County' and dated August 1, 2006, which shall be known as the 'Red Mountain Wilderness'.

(9) BALD MOUNTAIN WILDERNESS- Certain Federal land managed by the Bureau of Land Management and the Forest Service, comprising approximately 22,352 acres, as generally depicted on the map entitled 'Western White Pine County' and dated August 1, 2006, which shall be known as the 'Bald Mountain Wilderness'.

(10) WHITE PINE RANGE WILDERNESS- Certain Federal land managed by the Forest Service, comprising approximately 42,562 acres, as generally depicted on the map entitled 'Western White Pine County' and

dated August 1, 2006, which shall be known as the `White Pine Range Wilderness'.

(11) SHELLBACK WILDERNESS- Certain Federal land managed by the Forest Service, comprising approximately 36,133 acres, as generally depicted on the map entitled `Western White Pine County' and dated August 1, 2006, which shall be known as the `Shellback Wilderness'.

(12) SCHELL CREEK RANGE WILDERNESS- Certain Federal land managed by the Forest Service, comprising approximately 122,123 acres, as generally depicted on the map entitled `Eastern White Pine County' and dated August 1, 2006, which shall be known as the `Schell Creek Wilderness'.

(13) BECKY PEAK WILDERNESS- Certain Federal land managed by the Bureau of Land Management, comprising approximately 18,119 acres, as generally depicted on the map entitled `Northern White Pine County' and dated August 1, 2006, which shall be known as the `Becky Peak Wilderness'.

(14) GOSHUTE CANYON WILDERNESS- Certain Federal land managed by the Bureau of Land Management, comprising approximately 42,657 acres, as generally depicted on the map entitled `Northern White Pine County' and dated August 1, 2006, which shall be known as the `Goshute Canyon Wilderness'.

(15) BRISTLECONE WILDERNESS- Certain Federal land managed by the Bureau of Land Management, comprising approximately 14,095 acres, as generally depicted on the map entitled `Eastern White Pine County' and dated August 1, 2006, which shall be known as the `Bristlecone Wilderness'.

(b) Boundary- The boundary of any portion of a wilderness area designated by subsection (a) that is bordered by a road shall be at least 100 feet from the edge of the road to allow public access.

(c) Map and Legal Description-

(1) IN GENERAL- As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area designated by subsection (a) with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) EFFECT- Each map and legal description shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the map or legal description.

(3) AVAILABILITY- Each map and legal description shall be on file and available for public inspection in--

(A) the Office of the Director of the Bureau of Land Management;

(B) the Office of the Nevada State Director of the Bureau of Land Management;

(C) the Ely Field Office of the Bureau of Land Management;

(D) the Office of the Chief of the Forest Service;

(E) the Office of the Regional Forester, Region 4; and

(F) the Office of the Forest Supervisor of the Humboldt-Toiyabe National Forest; and

(G) the Ely Ranger District Office of the Forest Service.

(d) Withdrawal- Subject to valid existing rights, the wilderness areas designated by subsection (a) are withdrawn from--

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing and geothermal leasing laws.

(e) Mt. Moriah Wilderness Boundary Adjustment- The boundary of the Mt. Moriah Wilderness established under section 2(13) of the Nevada Wilderness Protection Act of 1989 (16 U.S.C. 1132 note; Public Law 101-195) is adjusted to include only the land identified as the 'Mount Moriah Wilderness' on the map entitled 'Eastern White Pine County' and dated August 1, 2006.

SEC. 204. ADMINISTRATION.

(a) Management- Subject to valid existing rights, each area designated as wilderness by this title shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that--

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of Agriculture or the Secretary of the Interior, as appropriate.

(b) Livestock- Within the wilderness areas designated under this title that are administered by the Bureau of Land Management and the Forest Service, the grazing of livestock in areas in which grazing is established as of the date of enactment of this Act shall be allowed to continue--

(1) subject to such reasonable regulations, policies, and practices that the Secretary considers necessary; and

(2) consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), including the guidelines set forth in Appendix A of House Report 101-405.

(c) Incorporation of Acquired Land and Interests- Any land or interest in land within the boundaries of an area designated as wilderness by this title that is acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the wilderness area within which the acquired land or interest is located.

(d) Water Rights-

(1) FINDINGS- Congress finds that--

(A) the land designated as wilderness by this title is located--

(i) in the semiarid region of the Great Basin; and

(ii) at the headwaters of the streams and rivers on land with respect to which there are few if any--

- (I) actual or proposed water resource facilities located upstream; and
 - (II) opportunities for diversion, storage, or other uses of water occurring outside the land that would adversely affect the wilderness values of the land;
- (B) the land designated as wilderness by this title is generally not suitable for use or development of new water resource facilities; and
- (C) because of the unique nature of the land designated as wilderness by this title, it is possible to provide for proper management and protection of the wilderness and other values of land in ways different from those used in other laws.
- (2) **PURPOSE-** The purpose of this section is to protect the wilderness values of the land designated as wilderness by this title by means other than a federally reserved water right.
- (3) **STATUTORY CONSTRUCTION-** Nothing in this title--
- (A) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to a wilderness designated by this title;
 - (B) shall affect any water rights in the State (including any water rights held by the United States) in existence on the date of enactment of this Act;
 - (C) shall be construed as establishing a precedent with regard to any future wilderness designations;
 - (D) shall affect the interpretation of, or any designation made pursuant to, any other Act; or
 - (E) shall be construed as limiting, altering, modifying, or amending any interstate compact or equitable apportionment decree that apportions water among and between the State and other States.
- (4) **NEVADA WATER LAW-** The Secretary shall follow the procedural and substantive requirements of State law in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas designated by this title.
- (5) **NEW PROJECTS-**
- (A) **DEFINITION OF WATER RESOURCE FACILITY-** In this paragraph, the term `water resource facility'--
 - (i) means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage, and carriage structures; and
 - (ii) does not include wildlife guzzlers.
 - (B) **RESTRICTION ON NEW WATER RESOURCE FACILITIES-** Except as otherwise provided in this Act, on or after the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund,

assist, authorize, or issue a license or permit for the development of any new water resource facility within a wilderness area that is wholly or partially within the County.

SEC. 205. ADJACENT MANAGEMENT.

- (a) In General- Congress does not intend for the designation of wilderness in the State by this title to lead to the creation of protective perimeters or buffer zones around any such wilderness area.
- (b) Nonwilderness Activities- The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness designated under this title shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

SEC. 206. MILITARY OVERFLIGHTS.

Nothing in this title restricts or precludes--

- (1) low-level overflights of military aircraft over the areas designated as wilderness by this title, including military overflights that can be seen or heard within the wilderness areas;
- (2) flight testing and evaluation; or
- (3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

SEC. 207. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.

Nothing in this title shall be construed to diminish--

- (1) the rights of any Indian tribe; or
- (2) tribal rights regarding access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

SEC. 208. RELEASE OF WILDERNESS STUDY AREAS.

(a) Finding- Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the Bureau of Land Management land has been adequately studied for wilderness designation in any portion of the wilderness study areas or instant study areas--

- (1) not designated as wilderness by section 203(a), excluding the portion of the Goshute Canyon Wilderness Study Area located outside of the County; and
- (2) depicted as released on the maps entitled--
 - (A) 'Eastern White Pine County' and dated August 1, 2006;
 - (B) 'Northern White Pine County' and dated August 1, 2006;
 - (C) 'Southern White Pine County' and dated August 1, 2006; and
 - (D) 'Western White Pine County' and dated August 1, 2006.

(b) Release-

(1) IN GENERAL- Any public land described in subsection (a) that is not designated as wilderness by this title--

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c));

(B) shall be managed in accordance with--

(i) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(ii) cooperative conservation agreements in existence on the date of enactment of this Act; and

(C) shall be subject to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(2) EXCEPTION- The requirements described in paragraph (1) shall not apply to the portion of the Goshute Canyon Wilderness Study Area located outside of the County.

SEC. 209. WILDLIFE MANAGEMENT.

(a) In General- In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this title affects the jurisdiction of the State with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping, in the wilderness areas designated by this title.

(b) Management Activities- In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct such management activities as are necessary to maintain or restore fish and wildlife populations and habitats in the wilderness areas designated by this title if those activities are conducted--

(1) consistent with relevant wilderness management plans; and

(2) in accordance with appropriate policies such as those set forth in Appendix B of House Report 101-405.

(c) Existing Activities- Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with appropriate policies such as those set forth in Appendix B of House Report 101-405, the State may continue to use aircraft, including helicopters, to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep, and feral stock, feral horses, and feral burros.

(d) Wildlife Water Development Projects- Subject to subsection (f), the Secretary shall authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas designated by this title if--

(1) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and

(2) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(e) Hunting, Fishing, and Trapping-

(1) IN GENERAL- The Secretary may designate by regulation areas in which, and establish periods during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the wilderness areas designated by this title.

(2) CONSULTATION- Except in emergencies, the Secretary shall consult with the appropriate State agency before promulgating regulations under paragraph (1).

(f) Cooperative Agreement-

(1) IN GENERAL- The State (including a designee of the State) may conduct wildlife management activities in the wilderness areas designated by this title--

(A) in accordance with the terms and conditions specified in the cooperative agreement between the Secretary and the State, entitled 'Memorandum of Understanding between the Bureau of Land Management and the Nevada Department of Wildlife Supplement No. 9,' and signed November and December 2003, including any amendments to the cooperative agreement agreed to by the Secretary and the State; and

(B) subject to all applicable laws and regulations.

(2) REFERENCES-

(A) CLARK COUNTY- For purposes of this subsection, any references to Clark County in the cooperative agreement described in paragraph (1)(A) shall be considered to be references to White Pine County, Nevada.

(B) BUREAU OF LAND MANAGEMENT- For purposes of this subsection, any references to the Bureau of Land Management in the cooperative agreement described in paragraph (1)(A) shall also be considered to be references to the Forest Service.

SEC. 210. WILDFIRE MANAGEMENT.

Consistent with section 4 of the Wilderness Act (16 U.S.C. 1133), nothing in this title precludes a Federal, State, or local agency from conducting any wildfire management operations (including operations using aircraft or mechanized equipment) to manage wildfires in the wilderness areas designated by this title.

SEC. 211. CLIMATOLOGICAL DATA COLLECTION.

Subject to such terms and conditions as the Secretary may prescribe, nothing in this title precludes the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in the wilderness areas designated by this title if the facilities and access to the facilities are essential to flood warning, flood control, and water reservoir operation activities.

TITLE III--TRANSFERS OF ADMINISTRATIVE JURISDICTION

SEC. 301. TRANSFER TO THE UNITED STATES FISH AND WILDLIFE SERVICE.

- (a) In General- Administrative jurisdiction over the land described in subsection (b) is transferred from the Bureau of Land Management to the United States Fish and Wildlife Service for inclusion in the Ruby Lake National Wildlife Refuge.
- (b) Description of Land- The parcel of land referred to in subsection (a) is approximately 645 acres of land administered by the Bureau of Land Management and identified on the map entitled 'Ruby Lake Land Transfer' and dated July 10, 2006, as 'Lands to be transferred to the Fish and Wildlife Service'.

SEC. 302. TRANSFER TO THE BUREAU OF LAND MANAGEMENT.

- (a) In General- Subject to subsection (c), administrative jurisdiction over the parcels of land described in subsection (b) is transferred from the Forest Service to the Bureau of Land Management.
- (b) Description of Land- The parcels of land referred to in subsection (a) are--
- (1) the land administered by the Forest Service and identified on the map entitled 'Southern White Pine County' and dated August 1, 2006, as 'Withdrawal Area';
 - (2) the land administered by the Forest Service and identified on the map entitled 'Southern White Pine County' and dated August 1, 2006, as 'Highland Ridge Wilderness Area'; and
 - (3) all other Federal land administered by the Forest Service that is located adjacent to the Highland Ridge Wilderness Area.
- (c) Continuation of Cooperative Agreements- Any existing Forest Service cooperative agreement or permit in effect on the date of enactment of this Act relating to a parcel of land to which administrative jurisdiction is transferred by subsection (a) shall be continued by the Bureau of Land Management unless there is reasonable cause to terminate the agreement or permit, as determined by the Secretary.
- (d) Withdrawal- Subject to valid existing rights, all Federal land within the Withdrawal Area is withdrawn from all forms of--
- (1) entry, appropriation, or disposal under the public land laws;
 - (2) location, entry, and patent under the mining laws; and
 - (3) operation of the mineral laws, geothermal leasing laws, and mineral materials laws.
- (e) Motorized and Mechanical Vehicles- Use of motorized and mechanical vehicles in the withdrawal area designated by this title shall be permitted only on roads and trails designated for their use, unless the use of those vehicles is needed--
- (1) for administrative purposes; or
 - (2) to respond to an emergency.

SEC. 303. AVAILABILITY OF MAP AND LEGAL DESCRIPTIONS.

The maps of the land transferred by this title shall be on file and available for public inspection in--

- (1) the Office of the Director of the Bureau of Land Management;
- (2) the Office of the Nevada State Director of the Bureau of Land Management;
- (3) the Ely Field Station of the Bureau of Land Management;
- (4) the Office of the Director of the United States Fish and Wildlife Service;
- (5) the Office of the Ruby Lake National Wildlife Refuge;
- (6) the Office of the Director of the National Park Service;
- (7) the Great Basin National Park Office;
- (8) the Office of the Chief of the Forest Service;
- (9) the Office of the Regional Forester, Region 4;
- (10) the Office of the Forest Supervisor of the Humboldt-Toiyabe National Forest; and
- (11) the Ely Ranger District Office of the Forest Service.

TITLE IV--PUBLIC CONVEYANCES

SEC. 401. CONVEYANCE TO THE STATE OF NEVADA.

(a) Conveyance- Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary shall convey to the State, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcels of land described in subsection (b) if the State and the County enter into a written agreement supporting the conveyance.

(b) Description of Land- The parcels of land referred to in subsection (a) are--

- (1) the approximately 6,281 acres of Bureau of Land Management land identified as 'Steptoe Valley Wildlife Management Area Expansion Proposal' on the map entitled 'Ely, Nevada Area' and dated August 1, 2006;
- (2) the approximately 658 acres of Bureau of Land Management land identified as 'Ward Charcoal Ovens Expansion' on the map entitled 'Ely, Nevada Area' and dated August 1, 2006; and
- (3) the approximately [Struck out->][~~xxxx~~][<-Struck out] acres of Forest Service and approximately [Struck out->][~~xxxx~~][<-Struck out] acres of Bureau of Land Management land for expansion of Cave Lake State Park.

(c) Costs- Any costs relating to a conveyance under subsection (a), including costs for surveys and other administrative costs, shall be paid by the State.

(d) Use of Land-

- (1) IN GENERAL- Any parcel of land conveyed to the State under subsection (a) shall be used only for--
 - (A) the conservation of wildlife or natural resources; or
 - (B) a public park.

(2) FACILITIES- Any facility on a parcel of land conveyed under subsection (a) shall be constructed and managed in a manner consistent with the uses described in paragraph (1).

(e) Reversion- If a parcel of land conveyed under subsection (a) is used in a manner that is inconsistent with the uses described in subsection (d), the parcel of land shall, at the discretion of the Secretary, revert to the United States.

SEC. 402. CONVEYANCE TO WHITE PINE COUNTY, NEVADA.

(a) In General- Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary shall convey to the County, without consideration, all right, title, and interest of the United States in and to the parcels of land described in subsection (b).

(b) Description of Land- The parcels of land referred to in subsection (a) are--
(1) not more than 1,500 acres of land to be used for the expansion of the White Pine County Airport; and
(2) not more than 200 acres of land to be used for the expansion of the White Pine County Industrial Park.

(c) Use of Certain Land for Nonresidential Development-

(1) IN GENERAL- After conveyance to the County of the land described in subsection (b), the County may sell, lease, or otherwise convey any portion of the land conveyed for purposes of nonresidential development.

(2) METHOD OF SALE- The sale, lease, or conveyance of land under paragraph (1) shall be--

(A) through a competitive bidding process; and

(B) for not less than fair market value.

(3) DISPOSITION OF PROCEEDS- The gross proceeds from the sale, lease, or conveyance of land under paragraph (1) shall be distributed in accordance with section 102.

(d) Reversion- If a parcel of land conveyed under subsection (a) is used in a manner that is inconsistent with the use described for the parcel in paragraph (1) or (2) of subsection (b), the parcel of land shall, at the discretion of the Secretary, revert to the United States.

TITLE V--SILVER STATE OFF-HIGHWAY VEHICLE TRAIL

SEC. 501. SILVER STATE OFF-HIGHWAY VEHICLE TRAIL.

(a) Study-

(1) IN GENERAL- Not later than 3 years after the date of enactment of this Act, the Secretary shall complete a study of routes for the Silver State Off-Highway Vehicle Trail (referred to in this section as the 'Trail').

(2) PREFERRED ROUTE- Based on the study conducted under paragraph (1), the Secretary, in consultation with the State, the County, and any interested persons, shall identify the preferred route for the Trail.

(b) Designation of Trail-

(1) IN GENERAL- Subject to paragraph (2), not later than 90 days after the date on which the study is completed under subsection (a), the Secretary shall designate the Trail.

(2) LIMITATIONS- The Secretary shall designate the Trail only if the Secretary--

(A) determines that the route of the Trail would not have significant negative impacts on wildlife, natural, or cultural resources; and

(B) ensures that the Trail designation--

(i) is an effort to extend the Silver State Off-Highway Vehicle Trail designated under section 401(b) of the Lincoln County Conservation, Recreation, and Development Act of 2004 (16 U.S.C. 1244 note; Public Law 108-424); and

(ii) is limited to--

(I) 1 route that generally runs in a north-south direction; and

(II) 1 potential spur running west.

(c) Management-

(1) IN GENERAL- The Secretary shall manage the Trail in a manner that-

-

(A) is consistent with any motorized and mechanized uses of the Trail that are authorized on the date of enactment of this Act under applicable Federal and State laws (including regulations);

(B) ensures the safety of the individuals who use the Trail; and

(C) does not damage sensitive wildlife habitat, natural, or cultural resources.

(2) MANAGEMENT PLAN-

(A) IN GENERAL- Not later than 2 years after the date of designation of the Trail, the Secretary, in consultation with the State, the County, and any other interested persons, shall complete a management plan for the Trail.

(B) COMPONENTS- The management plan shall--

(i) describe the appropriate uses and management of the Trail;

(ii) authorize the use of motorized and mechanized vehicles on the Trail; and

(iii) describe actions carried out to periodically evaluate and manage the appropriate levels of use and location of the Trail to minimize environmental impacts and prevent damage to cultural resources from the use of the Trail.

(3) MONITORING AND EVALUATION-

(A) ANNUAL ASSESSMENT- The Secretary shall annually assess--

(i) the effects of the use of off-highway vehicles on the Trail to minimize environmental impacts and prevent damage to cultural resources from the use of the Trail; and
(ii) in consultation with the Nevada Department of Wildlife, the effects of the Trail on wildlife and wildlife habitat to minimize environmental impacts from the use of the Trail.

(B) CLOSURE- The Secretary, in consultation with the State and the County and subject to subparagraph (C), may temporarily close or permanently reroute a portion of the Trail if the Secretary determines that--

(i) the Trail is having an adverse impact on--

(I) wildlife habitats;

(II) natural resources; or

(III) cultural resources;

(ii) the Trail threatens public safety;

(iii) closure of the Trail is necessary to repair damage to the Trail; or

(iv) closure of the Trail is necessary to repair resource damage.

(C) REROUTING- Any portion of the Trail that is temporarily closed may be permanently rerouted along existing roads and trails on public land open to motorized use if the Secretary determines that rerouting the portion of the Trail would not significantly increase or decrease the length of the Trail.

(D) NOTICE- The Secretary shall provide information to the public with respect to any routes on the Trail that are closed under subparagraph (B), including through the provision of appropriate signage along the Trail.

(4) NOTICE OF OPEN ROUTES- The Secretary shall ensure that visitors to the Trail have access to adequate notice relating to the routes on the Trail that are open through--

(A) the provision of appropriate signage along the Trail; and

(B) the distribution of maps, safety education materials, and any other information that the Secretary determines to be appropriate.

(d) No Effect on Non-Federal Land and Interests in Land- Nothing in this section affects the ownership or management of, or other rights relating to, non-Federal land or interests in non-Federal land.

TITLE VI--TRANSFER OF LAND TO BE HELD IN TRUST FOR THE ELY SHOSHONE TRIBE.

SEC. 601. TRANSFER OF LAND TO BE HELD IN TRUST FOR THE ELY SHOSHONE TRIBE.

(a) In General- Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in subsection (b), including any improvements on, and appurtenances to, the land--

(1) shall be held in trust by the United States for the benefit of the Ely Shoshone Tribe (referred to in this section as the `Tribe'); and

(2) shall be part of the reservation of the Tribe.

(b) Description of Land- The land referred to in subsection (a) consists of the 4 parcels of a total of approximately 3,536 acres of land that are identified on the Ely, Nevada Area map dated August 1, 2006, and the Northern White Pine County map dated August 1, 2006, as the `Ely Shoshone Tribe Reservation'.

(c) Survey- Not later than 180 days after the date of enactment of this Act, the Bureau of Land Management shall complete a survey of the boundary lines to establish the boundaries of the trust land.

(d) Conditions-

(1) GAMING- Land taken into trust under subsection (a) shall not be--

(A) considered to have been taken into trust for gaming (as that term is used in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)); and

(B) used for gaming.

(2) TRUST LAND FOR CEREMONIAL USE- With respect to the use of the land identified on the map as `Ely Shoshone Tribe Reservation Parcel #3', the Tribe--

(A) shall limit the use of the surface of the land to traditional and customary uses and stewardship conservation for the benefit of the Tribe; and

(B) shall not permit any permanent residential or recreational development on, or commercial use of, the surface of the land, including commercial development or gaming.

(3) THINNING; LANDSCAPE RESTORATION- With respect to land taken into trust under subsection (a), the Forest Service and the Bureau of Land Management may, in consultation and coordination with the Tribe, carry out any thinning and other landscape restoration work on the trust land that is beneficial to the Tribe and the Forest Service or the Bureau of Land Management.

TITLE VII--EASTERN NEVADA LANDSCAPE RESTORATION PROJECT.

SEC. 701. FINDINGS; PURPOSES.

(a) Findings- Congress finds that--

(1) there is an increasing threat of wildfire in the Great Basin;

(2) those wildfires--

(A) endanger homes and communities;

(B) damage or destroy watersheds and soils; and

(C) pose a serious threat to the habitat of threatened and endangered species;

(3) forest land and rangeland in the Great Basin are degraded as a direct consequence of land management practices (including practices to control and prevent wildfires) that disrupt the occurrence of frequent low-intensity fires that have periodically removed flammable undergrowth; and
(4) rigorous, understandable, and applied scientific information is needed in the Great Basin for--

- (A) the design, implementation, and adaptation of landscape-scale restoration treatments; and
- (B) the improvement of wildfire management technology and practices.

(b) Purposes- The purposes of this title are to--

- (1) support the Great Basin Restoration Initiative through the implementation of the Eastern Nevada Landscape Restoration Project; and
- (2) ensure resilient and healthy ecosystems in the Great Basin by restoring native plant communities and natural mosaics on the landscape that function within the parameters of natural fire regimes.

SEC. 702. DEFINITIONS.

In this title:

- (1) INITIATIVE- The term `Initiative' means the Great Basin Restoration Initiative.
- (2) PROJECT- The term `Project' means the Eastern Nevada Landscape Restoration Project authorized under section 703(a).
- (3) SECRETARIES- The term `Secretaries' means the Secretary of Agriculture and the Secretary of the Interior.
- (4) STATE- The term `State' means the State of Nevada.

SEC. 703. RESTORATION PROJECT.

(a) In General- In accordance with all applicable Federal laws, the Secretaries shall carry out the Eastern Nevada Landscape Restoration Project to--

- (1) implement the Initiative; and
- (2) restore native rangelands and native woodland (including riparian and aspen communities) in White Pine and Lincoln Counties in the State.

(b) Grants; Cooperative Agreement- In carrying out the Project--

- (1) the Secretaries may make grants to the Eastern Nevada Landscape Coalition and the Great Basin Institute for the study and restoration of rangeland and other land in the Great Basin--
 - (A) to assist in--
 - (i) reducing hazardous fuels; and
 - (ii) restoring native rangeland and woodland; and
 - (B) for other related purposes; and
- (2) notwithstanding sections 6301 through 6308, of title 31, United States Code, the Director of the Bureau of Land Management may enter into a cooperative agreement with the Eastern Nevada Landscape Coalition and

the Great Basin Institute to provide for the conduct of scientific analyses, hazardous fuels and mechanical treatments, and related work.

(c) Research Facility- The Secretaries may conduct a feasibility study on the potential establishment of an interagency science center, including a research facility and experimental rangeland in the eastern portion of the State.

(d) Funding- Section 4(e)(3)(A) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2346; 116 Stat. 2007; 118 Stat. 2414) is amended--

(1) by redesignating clause (viii) as clause (ix); and

(2) by inserting after clause (vii) the following:

(viii) to carry out the Eastern Nevada Landscape Restoration Project in White Pine County, Nevada and Lincoln County, Nevada; and'

TITLE VIII--AMENDMENTS TO THE SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT OF 1998

SEC. 801. FINDINGS.

Section 2(a)(3) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2343) is amended by inserting 'the Sloan Canyon National Conservation Area,' before 'and the Spring Mountains'.

SEC. 802. DEFINITIONS.

Section 3(6) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2344) is amended by inserting 'the Clean Water Coalition,' before 'and the Clark County Sanitation District'.

SEC. 803. AVAILABILITY OF SPECIAL ACCOUNT.

Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2346; 116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414) is amended--

(1) in paragraph (3)--

(A) in subparagraph (A)--

(i) by striking 'may be expended' and inserting 'shall be expended';

(ii) in clause (iii), by inserting 'and implementation' before 'of a multispecies habitat';

(iii) in clause (iv), by inserting 'Washoe County (subject to paragraph (4)) and' before 'Lincoln County';

(iv) in clause (vii)--

(I) by striking 'for development' and inserting 'development'; and

(II) by striking 'and' at the end;

(v) by redesignating clauses (viii) and (ix) (as amended by section 703(d)) as clauses (xii) and (xiii);

(vi) by inserting after clause (vii) the following:

`(viii) reimbursement of any costs incurred by the Bureau of Land Management or any other Federal agency to clear and protect land that is--

 `(I) located in the disposal boundary described in subsection (a); and

 `(II) designated for sale, lease, conveyance, or disposal;

`(ix) development and implementation of a comprehensive, cost-effective, multijurisdictional hazardous fuels reduction and wildfire prevention plan (including sustainable biomass and biofuels energy development and production activities) for the Lake Tahoe Basin (including the Carson Range in Douglas and Washoe Counties and Carson City in the State of Nevada), and the Spring Mountains, in the State of Nevada, that are--

 `(I) subject to approval by the Secretary of Agriculture or Secretary of Interior, as appropriate; and

 `(II) not more than 10 years in duration;

`(x) payments to a regional governmental entity in Clark County, Nevada, for an established program to compensate public institutions for the permanent removal of turf and other vegetation to expand water conservation;

`(xi) payments to a regional governmental entity in Clark County, Nevada, for water quality improvements relating to the Las Vegas Wash, Las Vegas Bay, and Lake Mead through management of wastewater effluent in the Las Vegas Valley known as the `Systems Conveyance and Operations Program'; and';

(vii) in clause (xii) (as redesignated by clause (v)), striking `and' at the end;

(viii) in clause (xiii) (as redesignated by clause (v))--

 (I) by inserting `or other Federal agencies' before `in arranging'; and

 (II) by striking the period at the end and inserting `; and'; and

(ix) by adding at the end the following:

 `(xiv) development of any park administered by the State of Nevada in Clark County.'; and

(B) by inserting after subparagraph (C) the following:

 `(D) TRANSFER REQUIREMENT- Notwithstanding any other provision of law--

`(i) for amounts that have been authorized for expenditure under subparagraph (A)(iv) but not transferred as of the date of enactment of this subparagraph, the Secretary shall, not later than 60 days after a request for funds from the applicable unit of local government or regional governmental entity, transfer to the applicable unit of local government or regional governmental entity the amount authorized for the expenditure; and

`(ii) for expenditures authorized under subparagraph (A)(iv) that are approved by the Secretary, the Secretary shall, not later than 60 days after a request for funds from the applicable unit of local government or regional governmental entity, transfer to the applicable unit of local government or regional governmental entity the amount approved for expenditure.'; and

(2) by adding at the end the following:

`(4) LIMITATION FOR WASHOE COUNTY- Until December 31, 2011, Washoe County shall be eligible to nominate for expenditure amounts to acquire land (not to exceed 250 acres) and develop 1 regional park and natural area.'

SEC. 804. AFFORDABLE HOUSING.

Section 7 of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2349) is amended by striking subsection (b) and inserting the following:

`(b) Affordable Housing-

`(1) DEFINITION OF AFFORDABLE HOUSING- In this subsection, the term `affordable housing' means housing that serves individuals or families with an income of not more than 120 percent of the median income, as determined by the Secretary of Housing and Urban Development.

`(2) HOUSING-

`(A) IN GENERAL- In accordance with section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713), the Secretary shall make available for affordable housing purposes land in the State of Nevada--

`(i) for less than fair market value; and

`(ii) under any terms and conditions that the Secretary determines to be appropriate.

`(B) GUIDELINES- Not later than 1 year after the date of enactment of this subsection, the Secretary shall publish or issue guidelines to carry out this paragraph.

`(3) RESERVATION FOR AFFORDABLE HOUSING-

`(A) IN GENERAL- If any sale of land under section 4(a) involves more than 200 acres, at least 5 percent of the total housing units on the land conveyed shall be developed for affordable housing.

`(B) CITY AND COUNTY REQUIREMENTS-

`(i) IN GENERAL- Not later than 120 days before the date of a sale of land described in subparagraph (A), the applicable unit of local government shall publish rules for the implementation of the affordable housing to be developed on the land.

`(ii) DISPERSAL OF HOUSING- The applicable unit of local government shall, to the maximum extent practicable, encourage mixed income development when publishing rules under clause (i) throughout each housing project.

`(4) ENFORCEMENT-

`(A) IN GENERAL- Subject to subparagraph (B), from the date on which a transfer of land is complete under section 4(a), the Secretary of Housing and Urban Development shall enforce each requirement of this section.

`(B) ALTERNATIVE ENFORCEMENT ARRANGEMENT- The Secretary of Housing and Urban Development and the applicable unit of local government may agree to an alternative enforcement arrangement.'

TITLE IX--GREAT BASIN HERITAGE ROUTE

SEC. 901. SHORT TITLE.

This title may be cited as the `Great Basin National Heritage Route Act'.

SEC. 902. FINDINGS AND PURPOSES.

(a) Findings- Congress finds that--

(1) the natural, cultural, and historic heritage of the North American Great Basin is nationally significant;

(2) communities along the Great Basin Heritage Route (including the towns of Delta, Utah, Ely, Nevada, and the surrounding communities) are located in a classic western landscape that contains long natural vistas, isolated high desert valleys, mountain ranges, ranches, mines, historic railroads, archaeological sites, and tribal communities;

(3) the Native American, pioneer, ranching, mining, timber, and railroad heritages associated with the Great Basin Heritage Route include the social history and living cultural traditions of a rich diversity of nationalities;

(4) the pioneer, Mormon, and other religious settlements, and ranching, timber, and mining activities of the region played and continue to play a significant role in the development of the United States, shaped by--

- (A) the unique geography of the Great Basin;
 - (B) an influx of people of Greek, Chinese, Basque, Serb, Croat, Italian, and Hispanic descent; and
 - (C) a Native American presence (Western Shoshone, Northern and Southern Paiute, and Goshute) that continues in the Great Basin today;
- (5) the Great Basin housed internment camps for Japanese-American citizens during World War II, 1 of which, Topaz, was located along the Heritage Route;
- (6) the pioneer heritage of the Heritage Route includes the Pony Express route and stations, the Overland Stage, and many examples of 19th century exploration of the western United States;
- (7) the Native American heritage of the Heritage Route dates back thousands of years and includes--
- (A) archaeological sites;
 - (B) petroglyphs and pictographs;
 - (C) the westernmost village of the Fremont culture; and
 - (D) communities of Western Shoshone, Paiute, and Goshute tribes;
- (8) the Heritage Route contains multiple biologically diverse ecological communities that are home to exceptional species such as--
- (A) bristlecone pines, the oldest living trees in the world;
 - (B) wildlife adapted to harsh desert conditions;
 - (C) unique plant communities, lakes, and streams; and
 - (D) native Bonneville cutthroat trout;
- (9) the air and water quality of the Heritage Route is among the best in the United States, and the clear air permits outstanding viewing of the night skies;
- (10) the Heritage Route includes unique and outstanding geologic features such as numerous limestone caves, classic basin and range topography with playa lakes, alluvial fans, volcanics, cold and hot springs, and recognizable features of ancient Lake Bonneville;
- (11) the Heritage Route includes an unusual variety of open space and recreational and educational opportunities because of the great quantity of ranching activity and public land (including city, county, and State parks, national forests, Bureau of Land Management land, and a national park);
- (12) there are significant archaeological, historical, cultural, natural, scenic, and recreational resources in the Great Basin to merit the involvement of the Federal Government in the development, in cooperation with the Great Basin Heritage Route Partnership and other local and governmental entities, of programs and projects to--
- (A) adequately conserve, protect, and interpret the heritage of the Great Basin for present and future generations; and
 - (B) provide opportunities in the Great Basin for education; and
- (13) the Great Basin Heritage Route Partnership shall serve as the local coordinating entity for a Heritage Route established in the Great Basin.
- (b) Purposes- The purposes of this title are--

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities within White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation; (2) to enable communities referred to in paragraph (1) to conserve their heritage while continuing to develop economic opportunities; and (3) to conserve, interpret, and develop the archaeological, historical, cultural, natural, scenic, and recreational resources related to the unique ranching, industrial, and cultural heritage of the Great Basin, in a manner that promotes multiple uses permitted as of the date of enactment of this Act, without managing or regulating land use.

SEC. 903. DEFINITIONS.

In this title:

- (1) GREAT BASIN- The term `Great Basin' means the North American Great Basin.
- (2) HERITAGE ROUTE- The term `Heritage Route' means the Great Basin National Heritage Route established by section 904(a).
- (3) LOCAL COORDINATING ENTITY- The term `local coordinating entity' means the Great Basin Heritage Route Partnership established by section 904(c).
- (4) MANAGEMENT PLAN- The term `management plan' means the plan developed by the local coordinating entity under section 906(a).
- (5) SECRETARY- The term `Secretary' means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 904. GREAT BASIN NATIONAL HERITAGE ROUTE.

- (a) Establishment- There is established the Great Basin National Heritage Route to provide the public with access to certain historical, cultural, natural, scenic, and recreational resources in White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation in the State of Nevada, as designated by the local coordinating entity.
- (b) Boundaries- The local coordinating entity shall determine the specific boundaries of the Heritage Route.
- (c) Local Coordinating Entity-
 - (1) IN GENERAL- The Great Basin Heritage Route Partnership shall serve as the local coordinating entity for the Heritage Route.
 - (2) BOARD OF DIRECTORS- The Great Basin Heritage Route Partnership shall be governed by a board of directors that consists of--
 - (A) 4 members who are appointed by the Board of County Commissioners for Millard County, Utah;
 - (B) 4 members who are appointed by the Board of County Commissioners for White Pine County, Nevada; and
 - (C) a representative appointed by each Native American Tribe participating in the Heritage Route.

SEC. 905. MEMORANDUM OF UNDERSTANDING.

- (a) In General- In carrying out this title, the Secretary, in consultation with the Governors of the States of Nevada and Utah and the tribal government of each Indian tribe participating in the Heritage Route, shall enter into a memorandum of understanding with the local coordinating entity.
- (b) Inclusions- The memorandum of understanding shall include information relating to the objectives and management of the Heritage Route, including--
- (1) a description of the resources of the Heritage Route;
 - (2) a discussion of the goals and objectives of the Heritage Route, including--
 - (A) an explanation of the proposed approach to conservation, development, and interpretation; and
 - (B) a general outline of the anticipated protection and development measures;
 - (3) a description of the local coordinating entity;
 - (4) a list and statement of the financial commitment of the initial partners to be involved in developing and implementing the management plan; and
 - (5) a description of the role of the States of Nevada and Utah in the management of the Heritage Route.
- (c) Additional Requirements- In developing the terms of the memorandum of understanding, the Secretary and the local coordinating entity shall--
- (1) provide opportunities for local participation; and
 - (2) include terms that ensure, to the maximum extent practicable, timely implementation of all aspects of the memorandum of understanding.
- (d) Amendments-
- (1) IN GENERAL- The Secretary shall review any amendments of the memorandum of understanding proposed by the local coordinating entity or the Governor of the State of Nevada or Utah.
 - (2) USE OF FUNDS- Funds made available under this title shall not be expended to implement a change made by a proposed amendment described in paragraph (1) until the Secretary approves the amendment.

SEC. 906. MANAGEMENT PLAN.

- (a) In General- Not later than 3 years after the date on which funds are made available to carry out this title, the local coordinating entity shall develop and submit to the Secretary for approval a management plan for the Heritage Route that--
- (1) specifies--
 - (A) any resources designated by the local coordinating entity under section 904(a); and
 - (B) the specific boundaries of the Heritage Route, as determined under section 904(b); and

(2) presents clear and comprehensive recommendations for the conservation, funding, management, and development of the Heritage Route.

(b) Considerations- In developing the management plan, the local coordinating entity shall--

(1) provide for the participation of local residents, public agencies, and private organizations located within the counties of Millard County, Utah, White Pine County, Nevada, and the Duckwater Shoshone Reservation in the protection and development of resources of the Heritage Route, taking into consideration State, tribal, county, and local land use plans in existence on the date of enactment of this Act;

(2) identify sources of funding;

(3) include--

(A) a program for implementation of the management plan by the local coordinating entity, including--

(i) plans for restoration, stabilization, rehabilitation, and construction of public or tribal property; and

(ii) specific commitments by the identified partners referred to in section 905(b)(4) for the first 5 years of operation; and

(B) an interpretation plan for the Heritage Route; and

(4) develop a management plan that will not infringe on private property rights without the consent of the owner of the private property.

(c) Failure to Submit- If the local coordinating entity fails to submit a management plan to the Secretary in accordance with subsection (a), the Heritage Route shall no longer qualify for Federal funding.

(d) Approval and Disapproval of Management Plan-

(1) IN GENERAL- Not later than 90 days after receipt of a management plan under subsection (a), the Secretary, in consultation with the Governors of the States of Nevada and Utah, shall approve or disapprove the management plan.

(2) CRITERIA- In determining whether to approve a management plan, the Secretary shall consider whether the management plan--

(A) has strong local support from a diversity of landowners, business interests, nonprofit organizations, and governments associated with the Heritage Route;

(B) is consistent with and complements continued economic activity along the Heritage Route;

(C) has a high potential for effective partnership mechanisms;

(D) avoids infringing on private property rights; and

(E) provides methods to take appropriate action to ensure that private property rights are observed.

(3) ACTION FOLLOWING DISAPPROVAL- If the Secretary disapproves a management plan under paragraph (1), the Secretary shall--

(A) advise the local coordinating entity in writing of the reasons for the disapproval;

- (B) make recommendations for revisions to the management plan;
and
- (C) not later than 90 days after the receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.
- (e) Implementation- On approval of the management plan as provided in subsection (d)(1), the local coordinating entity, in conjunction with the Secretary, shall take appropriate steps to implement the management plan.
- (f) Amendments-
 - (1) IN GENERAL- The Secretary shall review each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.
 - (2) USE OF FUNDS- Funds made available under this title shall not be expended to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

SEC. 907. AUTHORITY AND DUTIES OF LOCAL COORDINATING ENTITY.

- (a) Authorities- The local coordinating entity may, for purposes of preparing and implementing the management plan, use funds made available under this title to--
 - (1) make grants to, and enter into cooperative agreements with, a State (including a political subdivision), an Indian tribe, a private organization, or any person; and
 - (2) hire and compensate staff.
- (b) Duties- In addition to developing the management plan, the local coordinating entity shall--
 - (1) give priority to implementing the memorandum of understanding and the management plan, including taking steps to--
 - (A) assist units of government, regional planning organizations, and nonprofit organizations in--
 - (i) establishing and maintaining interpretive exhibits along the Heritage Route;
 - (ii) developing recreational resources along the Heritage Route;
 - (iii) increasing public awareness of and appreciation for the archaeological, historical, cultural, natural, scenic, and recreational resources and sites along the Heritage Route; and
 - (iv) if requested by the owner, restoring, stabilizing, or rehabilitating any private, public, or tribal historical building relating to the themes of the Heritage Route;
 - (B) encourage economic viability and diversity along the Heritage Route in accordance with the objectives of the management plan; and

- (C) encourage the installation of clear, consistent, and environmentally appropriate signage identifying access points and sites of interest along the Heritage Route;
- (2) consider the interests of diverse governmental, business, and nonprofit groups associated with the Heritage Route;
- (3) conduct public meetings in the region of the Heritage Route at least semiannually regarding the implementation of the management plan;
- (4) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for approval by the Secretary; and
- (5) for any year for which Federal funds are received under this title--
 - (A) submit to the Secretary a report that describes, for the year--
 - (i) the accomplishments of the local coordinating entity;
 - (ii) the expenses and income of the local coordinating entity; and
 - (iii) each entity to which any loan or grant was made;
 - (B) make available for audit all records pertaining to the expenditure of the funds and any matching funds; and
 - (C) require, for all agreements authorizing the expenditure of Federal funds by any entity, that the receiving entity make available for audit all records pertaining to the expenditure of the funds.
- (c) Prohibition on the Acquisition of Real Property- The local coordinating entity shall not use Federal funds made available under this title to acquire real property or any interest in real property.
- (d) Prohibition on the Regulation of Land Use- The local coordinating entity shall not regulate land use within the Heritage Route.

SEC. 908. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

- (a) Technical and Financial Assistance-
 - (1) IN GENERAL- The Secretary may, on request of the local coordinating entity, provide technical and financial assistance to develop and implement the management plan and memorandum of understanding.
 - (2) PRIORITY FOR ASSISTANCE- In providing assistance under paragraph (1), the Secretary shall, on request of the local coordinating entity, give priority to actions that assist in--
 - (A) conserving the significant archaeological, historical, cultural, natural, scenic, and recreational resources of the Heritage Route; and
 - (B) providing education, interpretive, and recreational opportunities, and other uses consistent with those resources.
- (b) Application of Federal Law- The establishment of the Heritage Route shall have no effect on the application of any Federal law to any property within the Heritage Route.

SEC. 909. LAND USE REGULATION; APPLICABILITY OF FEDERAL LAW.

- (a) Land Use Regulation- Nothing in this title--
 - (1) modifies, enlarges, or diminishes any authority of the Federal, State, tribal, or local government to regulate by law (including by regulation) any use of land; or
 - (2) grants any power of zoning or land use to the local coordinating entity.
- (b) Applicability of Federal Law- Nothing in this title--
 - (1) imposes on the Heritage Route, as a result of the designation of the Heritage Route, any regulation that is not applicable to the area within the Heritage Route as of the date of enactment of this Act; or
 - (2) authorizes any agency to promulgate a regulation that applies to the Heritage Route solely as a result of the designation of the Heritage Route under this title.

SEC. 910. AUTHORIZATION OF APPROPRIATIONS.

- (a) In General- There is authorized to be appropriated to carry out this title \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.
- (b) Cost Sharing-
 - (1) FEDERAL SHARE- The Federal share of the cost of any activity assisted under this title shall not exceed 50 percent.
 - (2) FORM OF NON-FEDERAL SHARE- The non-Federal share may be in the form of in-kind contributions, donations, grants, and loans from individuals and State or local governments or agencies.

SEC. 911. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this Act.